

REMARKS

This application has been reviewed in light of the Office Action dated October 6, 2003. Claims 24-36 are presented for examination. Claims 24 and 31, the independent claims, have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 24 and 31 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the application as filed in such a way as to show that Applicants were in possession of that subject matter as their invention; those claims were also objected to as reciting new matter. The subject matter in question was reception of information about a size of an object or a distance to the object, it being the view of the Examiner that only reception of information about the size of a moving object is disclosed in this connection.

Applicants respectfully traverse this rejection and objection, for the following reasons.

First, it is noted that the rejection is based on lack of enablement, but on the feature in question not having been disclosed at all in the original application, or at least not in such a fashion as would fairly have conveyed to those in the art that Applicants considered it to be part of their invention. In this regard, Applicants respectfully point out page 5, lines 2-8, in the Summary of the Invention portion of the application as filed, which states that to provide image processing apparatus and method "capable of detecting an object (e.g., an object of a predetermined size or an object within a predetermined distance range from a predetermined object)" is an object of the invention. This having been stated as being an object of the invention, Applicants submit that one skilled in the art could

hardly have believed that Applicants did not regard an image processing method and apparatus having the stated capability as being part of their invention. Moreover, it is noted that the description of the fifth embodiment, and the introduction to that description, beginning at page 30, line 27, it is stated that information relating to the distance of the object, can be used, as well. For example, at pag 33, lines 11-14 (and see Fig. 25), "the CPU 220 receives a *distance range $L_0 - L_1$ (m) to a moving object to be detected from the external host computer* via the communication interface 390 [emphasis added]."

Accordingly, both the rejection and the objection are believed to be erroneous, and their withdrawal is respectfully requested.

Claims 24, 25, 28, 29, 31, 32, 25 and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,108,033 (Ito et al.), and Claims 26, 27, 30, 33 and 34 were rejected under 35 U.S.C. § 103(a) as being obvious from *Ito* in view of U.S. Patent 6,359,644 (Salvati).

The nature of the currently-claimed aspects of the present invention to which the claims are directed, and the prior art, have been adequately discussed in previous papers, and it is not believed to be necessary to repeat that discussion in full. Among other important features in independent Claim 24 is "a reception unit adapted to receive information of a size of an object or a distance to the object, for detecting a desired object, from an external apparatus that is not part of said image processing apparatus, via a communication interface [emphasis added]".^{1/}

^{1/} It should be noted that the addition of the underlined phrase is an effort to clarify what it was already intended to claim, and not a narrowing of what Applicants wish to patent.

Ito relates to a system that has a monitor camera which detects and tracks an object. This system detects an object image by using a "background differential" step (column 6, lines 30-57), and then forms from the detected object image a template to be used for detection of an object included in subsequent pictures. This template is used for matching with an object image included in a subsequent picture, and an object to be tracked is detected on the basis of the result of the matching. The *Ito* apparatus detects a movement distance of the object in accordance with the object tracking described above, thereby attaining object tracking control of a camera. The template is updated in accordance with an object image included in a picture.

However, *Ito* fails to teach receiving information about object size or distance to the object *from an external apparatus* (e.g., a host computer, and something in any event that is not part of the apparatus itself) through a communication interface, much less detecting from an input picture an object corresponding to information of that nature received from outside the apparatus and transmitting a detection result back to the external apparatus through the communication interface, as recited in independent Claim 24. The Office Action refers to a program memory 1106 in *Ito*. However, this program memory 1106 is included in the image monitoring apparatus, and therefore does not teach or suggest receiving the information in question from an external source as recited in Claim 24. For at least that reason, Claim 24 is believed to be allowable over *Ito*.

Independent Claim 31 is a method claim corresponding to apparatus Claim 24, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 24.

A review of the other art of record, including *Salvati*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

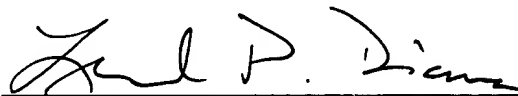
The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Leonard P. Diana

Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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